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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION

In re:

Aileen Antonio,

Debtor.

Bankruptcy Case No. 16-43534

Chapter 13

**OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN**

METING OF THE CREDITORS:

DATE: February 2, 2017

TIME: 2:00 PM

PLACE: Office of the U.S. Trustee, 1301 Clay
St. Room 680N, Oakland, CA 94612

**TO THE HONORABLE ROGER L. EFREMSKY, UNITED STATES BANKRUPTCY
COURT JUDGE, THE CHAPTER 13 TRUSTEE, THE DEBTOR, AND THE DEBTOR'S
ATTORNEY:**

PennyMac Loan Services, LLC ("PennyMac") is the holder of a secured claim recorded against property in which the Debtor claims an interest. PennyMac is, therefore, a party in interest and has standing to object to the Debtor's Chapter 13 Plan.

PennyMac Loan Services, LLC is the holder of a claim secured only by a security interest in real property commonly known as 791 Niles Court, Pittsburg, California 94565. The total amount due and owing under the Promissory Note is approximately \$252,103.327 and the pre-petition arrearage amount owed is approximately \$5,512.53. Section 1322(b)(2) of the U.S. Bankruptcy Code provides, in relevant part, as follows:

(b) Subject to subsections (a) and (c) of this section, the plan may--

...

1 (2) modify the rights of holders of secured claims, other than a claim secured only
2 by a security interest in real property that is the Debtor's principal residence

3 . . .

4 (5) notwithstanding paragraph (2) of this subsection, provide for the curing of
5 any default within a reasonable time and maintenance of payments while the case
6 is pending on any unsecured claim or secured claim on which the last payment is
7 due after the date on which the final payment under the plan is due; . . .

8 Debtor's Plan indicates that pre-petition arrears will have a delayed Payment Start Date of
9 January 2019. PennyMac objects to this unreasonable postponed Payment Start Date and requests
10 that Trustee commence payments on PennyMac's secured claim when the first month payment are
11 disbursed by the trustee and in pro-rata with Debtor's attorney fees.

12 Based on the foregoing, PennyMac respectfully requests that the Court deny confirmation
13 on the Debtor's Chapter 13 Plan or order that the Chapter 13 Plan be amended to provide for full
14 timely payment of PennyMac's pre-petition arrearages.

15 DATED: January 27, 2017

Respectfully Submitted,

16 MALCOLM ♦ CISNEROS, A Law Corporation

17 /s/ Christina J. O

18 Christina J. O,
19 Attorneys for PennyMac

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA

3 ss.

4 COUNTY OF ORANGE

5 I am employed in the County of Orange, State of California. I am over the age of eighteen and not a
6 party to the within action; my business address is: 2112 Business Center Drive, Second Floor, Irvine,
7 CA 92612.

8 On January 27, 2017, I served the following document described as OBJECTION TO
9 CONFIRMATION OF CHAPTER 13 PLAN on the interested parties in this action by placing a true
10 copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States
11 mail at Irvine, California (and via telecopy or overnight mail where indicated), addressed as follows:

12 **DEBTOR**

13 Aileen Antonio
14 791 Niles Court
15 Pittsburg, CA 94565

16 **DEBTOR'S ATTORNEY**

17 Law Offices of Patrick L. Forte
18 1624 Franklin St. #911
19 Oakland, CA 94612

20 **CHAPTER 13 TRUSTEE**

21 Martha G. Bronitsky
22 P.O. Box 5004
23 Hayward, CA 94540

24 I declare under penalty of perjury that the foregoing is true and correct.
25 Executed on January 27, 2017 at Irvine, California.

26 /s/Pantea Sharifi
27 Pantea Sharifi
28